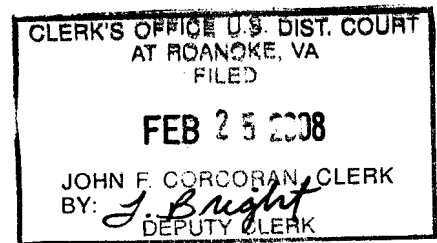


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



EARL THOMAS, III,
Petitioner,

v.

GENE M. JOHNSON,
Respondent.

)
) Civil Action No. 7:07CV00286
)

) **FINAL ORDER**
)

) By: Hon. Glen E. Conrad
) United States District Judge
)

For the reasons stated in the accompanying memorandum opinion, it is now

ORDERED

that the respondent's motion to dismiss shall be and hereby is **GRANTED**, and the petition for writ of habeas corpus shall be and hereby is **DISMISSED** and **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 25th day of February, 2008.

Glen E. Conrad

United States District Judge